

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 8.5 Consumer Products

Article 5. Hairspray Credit Program

§ 94564. Protocol for Calculating Hairspray Emission Reduction Credits.

(a) The following equation shall be used to calculate the quantity of HERCs generated for either early compliance or over compliance for an applicable hairspray product manufactured during a specified credit generation period (or installment period, if applicable) expressed to the nearest pound of surplus VOC emission reductions:

HERCs =

$(\text{Documented Sales}_{\text{HCP}})([\text{VOC Content}]_{\text{Baseline}} - [\text{VOC Content}]_{\text{Hairspray}})/100$

where,

“Documented Sales_{HCP}” means the documented sales, in pounds, of the applicable hairspray product manufactured during the credit generation period (or installment period, if applicable) as specified in the application pursuant to section 94563(c)(2)(A).

“[VOC Content]_{Baseline}” means the following:

For an applicable hairspray product initially offered for sale in California after January 1, 1993, the lower of the following:

(1) if the applicable hairspray product is a reformulated product, the VOC content, in percent, of the product before it was reformulated, as reported in the application and verified by the speciated formulation data required pursuant to section 94563(b)(2)(F), or

(2) 80 percent for a credit generation period between January 1, 1998, and May 31, 1999, and 55 percent for a credit generation period between June 1, 1999, and January 1, 2005.

For an applicable hairspray product initially offered for sale in California between October 11, 1990, and January 1, 1993: 80 percent for a credit generation period between January 1, 1998, and May 31, 1999, and 55 percent for a credit generation period between June 1, 1999, and January 1, 2005.

For an applicable hairspray product initially offered for sale in California before October 11, 1990, that has not been reformulated after October 11, 1990, the condition in section 94564(b)(5) shall apply.

“[VOC Content]_{Hairspray}” means the VOC content, in percent, of the applicable hairspray product as reported in the application and verified by the speciated formulation data required pursuant to section 94563(b)(2)(F).

(b) For the purposes of the calculation protocol specified in section 94564(a), the following conditions shall apply: (1) HERCs shall only be calculated if the Executive Officer has approved the methodology used to calculate documented sales in accordance with section 94563(d)(3)(B).

(2) HERCs shall only be calculated if the “[VOC Content]Hairspray” reported in the application is verified by speciated formulation data and test results required pursuant to sections 94563(b)(2)(F) and 94563(c)(2)(B). If the test results do not verify the reported “[VOC Content]Hairspray,” the Executive Officer and the responsible party may agree to an alternative “[VOC Content]Hairspray” provided it is supported by testing or demonstrations specified in section 94515, Title 17, California Code of Regulations.

(3) HERCs shall equal zero for any credit generation period after June 1, 1999, unless either of the following circumstances applies:

(A) the applicable hairspray product has generated surplus emission reductions prior to June 1, 1999, and the surplus emission reductions have been, or will be, certified by the Executive Officer as HERCs, or

(B) the applicable hairspray product was initially manufactured for sale in California, or reformulated, after June 1, 1999, in which case paragraph (4) of this subsection (b) shall apply.

(4) For an applicable hairspray product initially manufactured for sale in California on or after July 1, 1998, or reformulated after June 1, 1999, HERCs shall be zero unless all of the following circumstances have occurred:

(A) Pursuant to section 94563(b)(1), the responsible party has submitted to the Executive Officer an application to request HERCs before the start of the credit generation period, and no later than six months after the applicable hairspray product's initial date of manufacture for sale in California.

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(B) Pursuant to section 94563(b)(2)(J), the responsible party has provided a statement that the hairspray product is formulated for the primary purpose of generating emission reductions for credits.

(C) For a reformulated hairspray product, the “[VOC Content]Baseline” for the calculation of HERCs shall equal the product's lowest VOC content prior to its reformulation.

(5) For an applicable hairspray product initially offered for sale in California before October 11, 1990, that has not been reformulated after October 11, 1990, HERCs shall be zero.

NOTE: Authority cited: Sections 39600, 39601 and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000 and 41712, Health and Safety Code.

REFERENCE